

**HOUSE JOINT
Resolution Number 80
LCO #3129**

Opposed

The decision of The Claims Commissioner dismissing File Number 21295 should be vacated and the General Assembly should grant the claimant, Shaleeta Rivers and her siblings, permission to sue the state for injuries caused by sexual abuse pursuant to Connecticut General Statutes §4-159(c), as the claim presents issues of law and/or fact under which the State, were it a private person, could be liable.

The written testimony of Stephanie Z. Roberge, Esq., in support thereof on behalf of Shaleeta Rivers is setforth hereunder.

The claim against the State is for damages sustained by **Shaleeta Rivers** as a result of repeated sexual assaults from the time Ms. Rivers was 5 years of age until she reached the age of 12. During this 7 year period she was in the care and custody of DCF in foster care.

Shaleeta Rivers filed a Notice of Claim for permission to sue the State of Connecticut pursuant to Connecticut General Statutes §4-147, et seq. on November 30, 2007 at the age of 19 for her injuries.

The case was dismissed by the Claims Commissioner on Statute of Limitation grounds. Pursuant to C. G. S. §4-148 there is a one year time limit for filing claims against the State with an absolute three year period of repose. Accordingly, the Claims Commissioner lacked subject matter jurisdiction and dismissed the claim on May 16, 2008.

There is therefore no remedy for Shaleeta Rivers under the statutory scheme for pursuing her claim for sexual abuse. However, pursuant to C. G. S. §52-577d the limitation for actions for damages to a minor caused by sexual abuse may be brought by such person **30 years** from the date such person attains the age of majority. It is clear that by enacting this statute, the

legislature intended to protect victims of sexual abuse and their right to seek redress for such injuries

Application of §52-577d, renders Shaleeta Rivers' claim timely. However, pursuant to C. G. S. §4-148, it does not apply. If the State of Connecticut were a private person it would be subject to the provisions of the extended limitations set forth in §52-577d.

The General Assembly has the authority under C. G. S. §4-159 to vacate the order of the Claims Commissioner and grant Shaleeta Rivers permission to sue the State. It is respectfully submitted that the authority given the General Assembly through C. G. S. §4-159 was intended to prevent an injustice such as the injustice Shaleeta Rivers finds herself in.

Additionally, since the filing of the original Notice of Claim, Shaleeta Rivers' siblings who were also in the care and custody of DCF in the same foster household, during the same timeframe have come forward with complaints of sexual abuse. Specifically, **Kevin Rivers** and **Destinee Rivers** were also the victims of sexual abuse during foster care. Request is hereby made to add Shaleeta's siblings, Kevin Rivers and Destinee Rivers to this request for permission to sue the state.

Accordingly, the General Assembly is hereby requested to **Vacate** the order of the Claims Commissioner and **Grant** Shaleeta Rivers and her siblings, Kevin Rivers and Destinee Rivers permission to sue the State of Connecticut for the injuries caused by sexual abuse that occurred while they were in foster care in the custody of DCF.

Please review this file as the claims and law have been fully briefed.